IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.A No.466 of 1992

Decided on : September 13, 2007

State of H.P. **…Appellant.**

Versus

Roshan Lal and others **…Respondents.**

Coram

The Hon'ble Mr. Justice Surjit Singh, Judge.

The Hon'ble Mr. Justice Surinder Singh, Judge.

Whether approved for reporting?

For the Appellant : Mr. Som Dutt Vasudeva, Additional Advocate General, with Mr. D.S. Nainta, Deputy Advocate General.

For the Respondents : Mr. N.K. Thakur, Advocate.

Surjit Singh, Judge(Oral)

Respondents were sent up for trial for offences punishable under Sections 306, 302, 498-A and 201 read with Section 34 of the Indian Penal Code.

2. Deceased Krisho was married to respondent Roshan Lal four years prior to her alleged killing by the respondents. For about six months, after the marriage, respondent Roshan Lal had cordial relations with Krisho, but thereafter he started demanding dowry and on her failure to bring the demanded amount of money, on account of dowry, he started giving beatings to her. Once Krisho went to her father's place and stayed there for a month, because of the ill-treatment and torture at the hands of the respondents. She was sent back to the matrimonial home only on the assurance of one Jai Singh, an uncle of respondent Roshan Lal, that he would be responsible in case she was

---

Whether reporters of the local papers may be allowed to see the judgment?

beaten up by the respondents. About 1½ month after she was sent back to her matrimonial home by her parents, she went missing. On 14th June, 1990, two boys from the village of the respondents went to PW-3 Chamaru Ram, the father of Krisho, and informed that Krisho had been missing. PW-3 Chamaru Ram, accompanied by a number of residents of his village, including PW-2 Ghino Ram and PW-4 Mangta Ram, both his brothers, went to the village of the respondents. They started searching for Krisho. When they went to the bridge of a river, they noticed a pair of Krisho's *Chappals* and a *Darati*, which was given to her, as one of the items of dowry, at the time of her marriage and on which word "Mangta", i.e. the name of PW-4, her uncle, was engraved. When search was going on for Krisho by PW-3 Chamaru Ram, her father, PW-2 Ghino Ram and PW-4 Mangta and other residents of their village, respondent Roshan Lal also joined them. He looked stunned. That day Krisho could not be traced. Next morning, search again started for her. PW-3 Chamaru Ram asked respondent Roshan Lal to come out with the truth about the disappearance of Krisho. He allegedly told him that on the night intervening 13th & 14th he and Krisho had a tiff after taking their meals and in the course of that tiff he happened to strangulate her with her *Dupatta*, as a result of which she died and then he made the body into a bundle by means of a woolen sheet and threw that bundle into the river from a bridge. On the basis of this alleged confession made by respondent Roshan Lal, a case was got registered against the respondents by PW-3 Chamaru Ram, the father of Krisho, vide FIR Ex. PA.

3. Prosecution sought to prove the charge only on the strength of the aforesaid extra judicial confession made by respondent Roshan Lal. It examined three witnesses, namely PW-2 Ghino Ram,

PW-3 Chamaru Ram and PW-4 Mangta, to prove the extra judicial confession. Trial Court, disbelieving their evidence, has acquitted all the respondents.

4. We have heard the learned Additional Advocate General and gone through the record, particularly the testimony of the above named three witnesses.

5. The evidence of the three witnesses, with respect to the date and the time of making of the alleged extra judicial confession by respondent Roshan Lal, is contradictory. While PW-3 Chamaru Ram has not stated as to when the extra judicial confession was made. In FIR Ex. PA, which he himself proved, he got it recorded that the statement was made by respondent Roshan Lal on the next morning when they again went in search of Krisho, meaning thereby that it was made in the morning of 15th June, 1990. PW-4 Mangta, however, stated that the confession was made by respondent Roshan Lal on the evening of 14th June, 1990. PW-2 Ghino Ram says that the confession was made by respondent Roshan Lal only after the police reached the spot and that before that Roshan Lal had not even met them (the witness, PW-3 Chamaru Ram and PW-4 Mangta). Now, if respondent Roshan Lal had not even met the three witnesses before the police reached, the mention in FIR Ex. PA about his having made an extra judicial confession is false on the face of it.

6. In view of the abovestated position, we see no reason to interfere with the judgment of acquittal delivered by the trial Court. Hence, the appeal is dismissed.

(Surjit Singh), J

September 13, 2007(sd) **(Surinder Singh), J**